

EXHIBIT 42

Discretionary Action Guidelines FY 2017

Eligibility:

All employees (excluding EMS, Wage Determination, Fire Protection Inspector and Dispatching Titles) assigned to your respective organizational areas are eligible.

Criteria:

- Salary adjustments are only authorized for those employees who have assumed additional *responsibilities of a substantial nature* or as a result of *new mandates or programs on a permanent basis*. An increase in workload for a task already being performed (i.e. an increase in the number of requests processed) does not qualify as “responsibilities of a substantial nature,” nor does a project of limited duration.
- Recommended employees must:
 - Not be in Absence Step II, III or Sanction Status;
 - Have no excessive lateness; second warning or greater;
 - **Have had no discretionary action implemented in the last three years.**

Procedure:

- Bureaus must submit a written justification and supporting documentation for each discretionary increase request to the Chief of Department or their respective Deputy Commissioner.
- The Chief of Department and Deputy Commissioner will determine which of their respective recommended employees meet the criteria for discretionary increase and submit their final overall plan to the Assistant Commissioner for Human Resources.

The submission must include:

- An organizational chart for each of the operational areas impacted;
 - A prioritized list of recommended employees
- The Chief of Department and Deputy Commissioners are responsible for advising their Bureau Heads of what actions have been approved for submission to HR.
- The Bureau Head shall advise their respective Human Resources Liaison to meet with a Bureau of Human Resources’ representative to receive instructions regarding completion of a **Discretionary Action Request (DAR) package for HR review and approval for processing.**
- **There is no guarantee that a discretionary action request will be approved. The Assistant Commissioner for Human Resources or a Bureau of Human**

Resources' designee will notify you as actions are approved. Therefore, proposed actions must not be discussed with any employee recommended for a discretionary increase. These actions are strictly confidential, and should only be discussed with the Bureau Heads and Human Resource Liaisons under your command.

- In accordance with Mayoral directive to promote compliance with civil service lists, placement on an established civil service list may be considered as part of the review for discretionary action.
- The DAR package must include: a completed DAR form, an organizational chart noting current salary for each civilian employee (excluding EMS Titles, Wage Determination, Fire Prevention Inspectors and Dispatching Titles), performance evaluation and any other information that may be deemed necessary.
- Salary adjustments will take into account comparability to others similarly situated.
- Submission of a resume will be required once an action is approved by the Fire Commissioner.
- A total of 10 actions for the Agency will be processed per month. Actions will be processed in priority order *if the:*
 1. criteria is met;
 2. justification is sound;
 3. DAR package is complete.

NOTE:

- **Merit raises are disallowed. Excellent performance in itself does not meet the criteria for a discretionary increase.**
- While 8% is the maximum salary adjustment allowed for all employees (including Managers), increases that are less than 8% may be awarded.
- Only one discretionary salary adjustment in any 3 year period is permitted.
- New appointments are not eligible for a discretionary until 3 years has elapsed since their hire date.

Please use the attached form to submit your Fiscal Year 2017 Plan of Discretionary Salary Increases. Submit your requests to the Assistant Commissioner for Human Resources. Your Plan must be submitted no later than October 28, 2016.